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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,268	07/23/2003	Sudhir Bhatia	1570/SYMBP160US	8415
23623	7590	07/28/2005	EXAMINER	
AMIN & TUROCY, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			NGUYEN, KIMBERLY D	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/625,268

Applicant(s)

BHATIA ET AL.

Examiner

Kimberly D. Nguyen

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 18-21 and 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 22 and 27-32 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/4/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Acknowledgement is made of Response to Restriction Requirement filed July 7, 2005, which applicant provisionally elects to prosecute claims 1-17, 22 and 27-32 (Group I, drawn to a housing for a mobile terminal, comprising a top portion configured to accept an accessory for a mobile terminal with a bar code reader, through a rail frame, and a bottom portion with a handle configured to be held in the palm of a hand, etc) with traverse. Claims 18-21 and 23-26 are withdrawn from further consideration by the examiner, 37CFR 1.142(b), as being drawn to non-elected claims.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the images of the Drawings filed July 23, 2003 are too dark and hard to be read on. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because the word "disclosed", on line 2, should be removed and typographical error "hand hold scanner", on line 5, should be substituted with "hand held scanner". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 7-8, 15, 22 and 27-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Koenck et al. (US 5,410,141; hereinafter “Koenck”).

Re claims 1-2: Koenck teaches a housing for a mobile terminal (10 in fig. 1) comprising a top portion (11, 12 in figs. 1-2) configured to accept an accessory (e.g., battery pack 28 in fig. 2) for a mobile terminal (10) with a bar code reader, through a rail frame affixed to an accessory compartment (27) of the top portion (“Battery compartment hatch 27 attaches to the bottom housing part 12 of terminal 10 through the interlocking and meshing of railings on both the battery compartment hatch 27 and bottom housing part 12.” col. 8, lines 19-23), the rail frame comprising a mounting component that engages with the accessory and guides the accessory into the compartment (e.g., “In place of the battery arrangement 28, the batteries can be mounted in an enclosed drawer part with square and round edges, which slides endwise into a receiving compartment...” col. 8, lines 50-53+), the rail frame further comprising a locking component (88 in fig. 2) that engages the accessory within the top portion (col. 8, lines 19-63); and

a bottom portion with a handle (314 in figs. 11-12) configured to be held in the palm of a hand (col. 18, lines 55-59; col. 5, line 66 through col. 8, line 63).

Art Unit: 2876

Re claim 3: Koenck teaches the battery compartment hatch 27 attaches to the bottom housing part 12 of terminal 10 through the interlocking and meshing of railings on both the battery compartment hatch 27 and bottom housing part 12, wherein the battery compartment is formed by a cavity within terminal 10, with a somewhat rectangular opening on which three corners are rounded and one is somewhat squared (col. 8, lines 19-26), which serves as the rail having a channel shaped cross section.

Re claims 7-8: Koenck teaches the handle (314) may contain additional batteries for extended operation, and to lower the center gravity of the device (310 or 310'); and an option to remove the batteries of the terminal to further lower the center of gravity of the device (310 or 310'; col. 18, lines 55-59), which serves as the location of the mass element being adjustable for balancing a weight of the terminal according to a user's preference.

Re claim 15: Koenck teaches the top portion adapted to accept a keypad (14 in fig. 11) through a transitional frame.

Re claim 22: Koenck teaches a mobile terminal comprising
a top housing configured to accept an accessory for the mobile terminal via an interface means affixed to an accessory compartment of the top housing;

a bottom housing with a handle configured to be held in the palm of a hand; and
a keypad with alerting means being activated upon a change of mode or function of the mobile terminal, as to alert a user of the change (e.g., actuating the keyboard to input data and displaying the input data on the display to alert a user of a change/input).

Re claims 27-32: Koenck teaches a connection assembly that connects a keypad (14 in fig. 2) to a mobile terminal (10) comprising

Art Unit: 2876

a mounting frame (11) connectable to a plurality of keypads (56);
a latch or notch element (88) positioned on an outer side of the mounting frame; and
a matching latch or notch element that corresponds to the latch or notch element and engages therewith to connect the mounting frame to a mobile terminal (see fig. 2; col. 6, line 1 through col. 8, line 64).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck in view of Chang et al. (US 2005/0011951; hereinafter "Chang"). The teachings of Koenck have been discussed above.

Koenck fails to teach or fairly suggest the rail selected from the group consisting of metal and plastic.

Chang teaches an optical scanner having a guiding rail (106 in fig. 2) to constrain the carrier to move along the guiding rail, wherein the guiding rail is fabricated using metal (paragraph 8).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the well-known guiding rail, which is made of metal as taught by Chang to the teachings Koenck in order to provide Koenck's device with a more durable

Art Unit: 2876

guiding rail which is fabricated with metal and furthermore the metal guiding rail will sustain/hold the weight of the battery compartment.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck in view of Immler et al. (US 4,538,072; hereinafter "Immler"). The teachings of Koenck have been discussed above.

Koenck fails to specifically teach the handle comprising a handle compartment for hosting a stylus of the mobile terminal.

Immler teaches a reading device having a gun shaped housing (1), wherein the gun shaped housing having a stylus (11) disposed thereon (see fig. 1; col. 3, line 51 through col. 4, line 18).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the gun shaped housing having a stylus thereon as taught by Immler to the teachings of Koenck in order to maneuver the stylus holding compartment to different positions/areas within the gun shaped housing and to further provide a convenient place for the stylus to rest on so that one would not misplace the stylus. Moreover, such modification would have been an obvious design variation well within an ordinary skill in the art to place the stylus holding compartment within the gun shaped housing.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck as modified by Immler as applied to claim 5 above, and further in view of Danielson et al. (US 5,488,575; hereinafter "Danielson"). The teachings of Koenck as modified by Immler have been discussed above.

Art Unit: 2876

Koenck as modified by Immler fails to specifically teach the handle compartment further comprising sculpted ribs on an inner as to guide the stylus therewithin.

Danielson teaches a portable data collection terminal having “a recessed pen gripping holder molded into an end of the housing wherein the pen gripping holder comprises a pair of opposing stylus clips in combination with a stylus cavity” (col. 24, lines 12-16; col. 7, lines 40-42), which serves as the handle compartment further comprising sculpted ribs on an inner side as to guide the stylus therewithin.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the recessed pen gripping holder comprising a pair of opposing stylus clips in combination with a stylus cavity as taught by Danielson to the teachings of Koenck as modified by Immler in order to provide a specific/desired area for holding the stylus and to prevent the stylus from falling out of the stylus holding compartment while the operator maneuvers the barcode reader, and thus protecting/preserving the stylus from being damaged.

10. Claims 9-12, 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck in view of Hash et al. (US 6,170,748; hereinafter “Hash”). The teachings of Koenck have been discussed above.

Koenck fails to teach or fairly suggest the bottom portion further comprising shock isolation in a form of a rubber component with a groove.

Hash teaches a compact hand-portable gun shaped reader (fig. 7) having a handle (210) wherein the handle (210) is made of ruggedized, shock-resistant plastic (col. 10, lines 1-13; col.

Art Unit: 2876

4, lines 44-54); and the neck grip feature (e.g., the trigger 245 having a neck grip feature) insert molded as part of the handle as set forth in claims 11-12.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate a handle, which is made of ruggedized, shock-resistant plastic as taught by Hash to the teachings of Koenck in order to protect the internal operative components, such as the laser generating components, optical and scanning motor etc., from being damaged when the scanning devices are subjected to hard externally-generated impacts or shock loads (that is, if the operator accidentally drops the reader during the transaction).

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck as modified by Hash as applied to claim 11 above, and further in view of Hodges (US 3,774,009).

The teachings of Koenck as modified by Hash have been discussed above.

Koenck as modified by Hash fails to teach or fairly suggest the neck grip feature placed on an opposite side of a trigger of the handle.

Hodges teaches the neck grip feature placed on an opposite side of a trigger of the handle (see fig. 4).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the neck grip feature placed on an opposite side of the trigger as taught by Hodges to the teachings of Koenck as modified by Hash in order to provide a curved and smooth curvature handle so that the operator's hand would fit properly for its comforts (that is, the index finger and the thumb would easily fit around the handle).

Art Unit: 2876

Allowable Subject Matter

12. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or fairly suggest the keypad has a width larger than a width of the top portion of the housing.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. VanHorn et al. (US 5,736,726) teaches a portable data collection device having removable handle and battery. Levie et al. (US 6,065,679) teaches a modular terminal apparatus including a core unit interchangeable with a pluralit of communication modules. Kochis (US 5,657,201) teaches a portable data collection terminal including an arm mounting assembly...

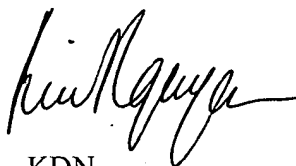
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402.

The examiner can normally be reached on Monday-Friday 7:30-4:30.

Art Unit: 2876

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'KDN', with a stylized flourish extending to the right.

KDN

July 23, 2005